SUPREME COURT MINUTES TUESDAY, MAY 7, 2002 SAN FRANCISCO, CALIFORNIA

The Supreme Court of California reconvened in the courtroom of the Earl Warren Building, 350 McAllister Street, Fourth Floor, San Francisco, California, on May 7, 2002, at 9:00 a.m.

Present: Chief Justice Ronald M. George, presiding, and Associate Justices Kennard, Baxter, Werdegar, Chin, Brown, and Moreno.

Officers present: Frederick K. Ohlrich, Clerk; and Harry Kinney, Supreme Court Marshal.

S095213 Betty Jean Myers, Appellant and Petitioner

v.

Philip Morris Companies et al., Appellees and Respondents Cause called. Daniel U. Smith, appearing for Amicus Curiae Patricia Henley and Leslie and Leonard Whiteley, opened argument for Appellant Myers.

Philip C. Bourdette continued argument for Myers.

Ronald L. Olson argued for Respondent Philip Morris.

Mr. Smith replied.

Cause submitted.

S090420 Joseph Naegele, as Co-trustee, etc., Plaintiffs and Appellants v.

R. J. Reynolds Tobacco Company, Defendants and Respondents Cause called. Madelyn Chaber argued for Appellant.

H. Joseph Escher III argued for Respondent R.J. Reynolds Tobacco.

Ms. Chaber replied.

Cause submitted.

S099260 People, Plaintiff and Respondent

v.

Mac David Cochran, Defendant and Appellant

Cause called. Arlene Aquintey Sevidal, Deputy Attorney

General, argued for Respondent.

Gregory Marshall argued for Appellant.

Ms. Sevidal replied.

Cause submitted.

Court recessed upon 1:30 p.m. this date.

Court reconvened pursuant to recess.

Members of the Court and Officers present as first shown.

S094710 People, Plaintiff and Respondent

v.

Robert Neal Anderson, Defendant and Appellant

Cause called. Neoma D. Kenwood argued for Appellant.

Moona Nandi, Deputy Attorney General, argued for Respondent.

Ms. Kenwood replied.

Cause submitted.

S100352 Pablo Zamora, Plaintiff and Respondent

v.

Clayborn Contracting Group, Inc., Defendant and Appellant

Cause called. Charles L. Post argued for Appellant.

Glen E. Gates argued for Respondent.

Thadd Blizzard replied.

Cause submitted.

S018815 People, Respondent

v.

Raymond Anthony Gurule, Appellant

Cause called. V. Elizabeth Grayson argued for Appellant.

Jeffrey Bryant, Deputy Attorney General, argued for Respondent.

Ms. Grayson replied.

Cause submitted.

Court recessed until 9:00 a.m., Wednesday, May 8, 2002.

S091549 Russell Allen Nordyke, Plaintiff and Appellant

v.

Mary V. King, Defendant and Appellant

The time for granting or denying rehearing in the above-entitled case is hereby extended to and including July 22, 2002, or the date upon which rehearing is either granted or denied, whichever occurs first.

S106049 In re David L. Munoz

on

Habeas Corpus

Pursuant to written request of petitioner, the above-entitled petition for writ of habeas corpus is ordered withdrawn.

S017657 In re Jesse Andrews

on

Habeas Corpus

Petitioner's Motion to Continue Oral Argument is granted. Oral argument is continued from May 29 to June 5, 2002 at 1:30 p.m.

S032736 People, Respondent

v.

Maurice Boyette, Appellant

The motion of appellant for change of argument date is granted. Oral argument is continued from June 5, 2002, to a date to be set on September 2002, calendar.

S091308 Steve A. Filarsky, Petitioner

V.

2nd Dist.

B139018

Los Angeles County Superior Court, Respondent

Div. 2 City of Manhattan Beach, Real Party in Interest

Petitioner's request for judicial notice is denied.

6th Dist. In re Ronald K. Mauzey

H023769

on

S105382

Habeas Corpus

The time for granting or denying review in the above-entitled matter is hereby extended to and including June 20, 2002, or the date upon which review is either granted or denied.

6th Dist. In re David H. McGraw

H023818

on

S105388

Habeas Corpus

The time for granting or denying review in the above-entitled matter is hereby extended to and including June 18, 2002, or the date upon which review is either granted or denied.

S015384 People, Respondent

v.

Richard Lacy Letner and Christopher Allan Tobin, Appellants
Good cause appearing, counsel's request for an extension of time
in which to file the appellant's opening brief for appellant Richard
Lacy Letner is granted to July 8, 2002. The court anticipates that
after that date, only four further extensions totaling 240 additional
days will be granted. Counsel is ordered to inform his or her
assisting attorney or entity, if any, and any assisting attorney or
entity of any separate counsel of record of this schedule, and take all

steps necessary to meet this schedule.

S015384 People, Respondent

v.

Richard Lacy Letner and Christopher Allan Tobin, Appellants
Good cause appearing, and based upon Senior Deputy State
Public Defender Alison Pease's representation that she anticipates
filing the appellant's opening brief for appellant Christopher Allan
Tobin by September 27, 2002, counsel's request for an extension of
time in which to file that brief is granted to July 8, 2002. After that
date, only two further extensions totaling 81 additional days will be
granted.

S018571 People, Respondent

V.

Paul Madison Brown, Appellant

Good cause appearing, and based upon counsel Geraldine S. Russell's representation that she anticipates filing the reply brief by November 30, 2002, counsel's request for an extension of time in which to file that brief is granted to July 29, 2002. After that date, only two further extensions totaling 123 additional days will be granted.

S030956 People, Respondent

v.

William James Ramos, Appellant

Good cause appearing, and based upon counsel Katherine Alfieri's representation that she anticipates filing the reply brief by September 16, 2002, counsel's request for an extension of time in which to file that brief is granted to July 18, 2002. After that date, only one further extension totaling 60 additional days will be granted.

S035348 People, Respondent

v.

Robert Lee Smith, Appellant

Good cause appearing, and based upon counsel Scott K. Kauffman's representation that he anticipates filing appellant's opening brief by November 1, 2002, counsel's request for an extension of time in which to file that brief is granted to July 2, 2002. After that date, only two further extensions totaling 122 additional days are contemplated.

S050851 People, Respondent

v.

Ernest E. Dykes, Appellant

Good cause appearing, and based upon counsel Karen L. Landau's representation that she anticipates filing the appellant's opening brief by August 15, 2002, counsel's request for an extension of time in which to file that brief is granted to July 19, 2002. After that date, only one further extension totaling 27 additional days is contemplated.

S090162 In re Armenia Levi Cudjo, Jr.

on

Habeas Corpus

Good cause appearing, and based upon Deputy Federal Public Defender Linda L. Griffis's representation that she anticipates filing the reply informal response to the petition for writ of habeas corpus by November 2, 2002, counsel's request for an extension of time in which to file that document is granted to June 5, 2002. After that date, only four further extensions totaling 120 additional days will be granted.

S090636 In re Steven D. Catlin

on

Habeas Corpus

Good cause appearing, counsel's request for an extension of time in which to file the reply informal response to the petition for writ of habeas corpus is granted to June 17, 2002. The court anticipates that after that date, only two further extensions totaling 60 additional days will be granted. Counsel is ordered to inform his or her assisting attorney or entity, if any, and any assisting attorney or entity of any separate counsel of record of this schedule, and take all steps necessary to meet this schedule.

S098212 In re Anthony Taylor

on

Habeas Corpus

On application of counsel for petitioner and good cause appearing, it is ordered that the time to serve and file petitioner's reply to informal response to the petition for writ of habeas corpus is extended to and including May 21, 2002.

S100740 In re Alfred Jackson

on

Habeas Corpus

On application of petitioner and good cause appearing, it is ordered that the time to serve and file petitioner's reply to the Attorney General's informal response to the petition for writ of habeas corpus is extended to and including May 15, 2002.

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S009038 People, Respondent

v.

Richard Dean Turner, Appellant

Appellant's application for relief from default to file appellant's opening brief and application to file brief in excess of 280 pages are granted.

S085498 People, Respondent

v.

Anthony Dacayana, Appellant

The motion of appellant, for the court to order briefing in this case, is hereby DENIED.

S104974 People, Respondent

v.

Jose Luis Cervantes, Appellant

Upon request of appellant for appointment of counsel, J. Kahn is hereby appointed to represent appellant on his appeal now pending in this court.

SUPREME COURT CALENDAR SAN FRANCISCO SESSION MAY 29 and 30, 2002 (Second Amended)

The following cases are placed upon the calendar of the Supreme Court for hearing at its courtroom located 350 McAllister Street, Fourth Floor, San Francisco, California, on May 29 and 30, 2002.

9005454	WEDNESDAY, MAY 29, 2002 – 9:00 A.M.	
S095474	Bird v. Saenz	
	(Chin, J., not participating. Parrilli, J., assigned Justice Pro Tempore.)	
S091308	Filarsky v. Superior Court; City of Manhattan Beach	
S017657	Jesse Andrews on Habeas Corpus	
5017057	(George, C.J., not participating. Morrison, J., assigned	
	Justice Pro Tempore.) (To be called and continued to June 5, 2002 calendar.)	
1:30 P.M.		
S089120	People v. Acosta } (Consolidated cases	
S068743	People v. Cornelius } to be argued together)	
S097755	People v. Johnson	
S018634	People v. Isaac Gutierrez (Automatic Appeal)	
	THURSDAY, MAY 30, 2002 – 9:00 A.M.	
S082112	People v. Hurtado	
S092179	People v. Wutzke	
S085780	People v. Crayton	
	<u>1:30 P.M.</u>	
S097765	People v. Garcia	
S086518	Dart Industries v. Commercial Union Insurance	

GEORGE
Chief Justice

If exhibits are to be transmitted to this court, counsel must comply with Rule 18(c), California Rules of Court.

SUPREME COURT CALENDAR LOS ANGELES SESSION JUNE 4, 5, and 6, 2002 (Second Amended)

The following cases are placed upon the calendar of the Supreme Court for hearing at its courtroom in the Ronald Reagan State Office Building, 300 South Spring Street, 3rd Floor, North Tower, Los Angeles, California on June 4, 5, and 6, 2002.

	TUESDAY, JUNE 4, 2002 – 2:00 P.M.
S094490	People v. Mower
	(Baxter, J., not participating. Mihara, J., assigned
	Justice Pro Tempore.)
S099542	People v. Superior Court (Jimenez)
S092183	People v. Farell
	WEDNESDAY, JUNE 5, 2002 - 9:00 A.M.
S093628	City of Los Angeles v. S.C. (Brandon)
S086611	People v. Mar
	(Baxter, J., not participating; O'Rourke, J., assigned
	Justice Pro Tempore.)
S088712	People v. Storm
	1:30 P.M.
S096127	Zuckerman v. Board of Chiropractic Examiners
S091459	People v. Totari
S032736	People v. Maurice Boyette (Automatic Appeal) (To be called and
	continued to September)
S017657	Jesse Andrews on Habeas Corpus
	(George, C.J., not participating. Morrison, J., assigned
	Justice Pro Tempore.)
	THURSDAY, JUNE 6, 2002 - 9:00 A.M.
S094877	Equilon Enterprises v. Consumer Cause
S099999	City of Cotati v. Cashman
S095000	Navellier v. Sletten
	1:30 P.M.
S097444	Wilson v. Parker, Covert & Chidester
S090337	Mycogen Corp. v. Monsanto Co.
	(Baxter, J., not participating. O'Leary, J., assigned
	Justice Pro Tempore.)
S016081	People v. Maureen McDermott (Automatic Appeal)
	GEORGE
	Chief Justice

Rules of Court.

If exhibits are to be transmitted to this court, counsel must comply with Rule 18(c), California